

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE PETITION FOR)	ORDER ESTABLISHING
ELECTRICAL SERVICE BY DAKOTA TURKEY)	BRIEFING SCHEDULE
GROWERS, LLC TO HAVE DAKOTA ENERGY)	
COOPERATIVE, INC. ASSIGNED AS ITS)	EL04-032
ELECTRIC PROVIDER IN THE SERVICE AREA)	
OF NORTHWESTERN ENERGY)	

On October 18, 2004, the Commission received a petition from Dakota Turkey Growers, LLC (Dakota Turkey Growers) for electrical service. The petition requests that the Public Utilities Commission (Commission) assign Dakota Energy Cooperative, Inc. as the supplier of electrical service to the Dakota Turkey Growers facility within the assigned service area of NorthWestern Energy (NorthWestern). Simultaneously with the filing of Dakota Turkey Growers' petition, Dakota Energy Cooperative, Inc. filed an Affidavit of Joinder joining in the petition. On October 21, 2004, the Commission electronically transmitted notice of the filing and the intervention deadline of November 5, 2004, to interested individuals and entities. On November 3, 2004, the Commission received a Petition to Intervene and Objection from NorthWestern. At its regularly scheduled meeting on November 30, 2004, the Commission granted intervention to NorthWestern. On January 12, 2005, the Commission received a Motion for Summary Disposition from NorthWestern. On January 13, 2005, the Commission issued its Order for and Notice of Hearing setting the matter for hearing on February 17, 2005, in Huron. On February 2, 2005, the Commission received a Stipulation to Amend Petition signed by Dakota Turkey Growers and NorthWestern. On February 3, 2005, the Commission received a Memorandum of Law in Opposition to Motion for Summary Disposition from Dakota Turkey Growers. On February 8, 2005, the Commission received Staff's Response to Motion for Summary Disposition of NorthWestern Corporation. At its duly noticed February 9, 2005, meeting, the Commission heard oral arguments and voted unanimously to deny NorthWestern's Motion for Summary Disposition. On February 17, 2005, the hearing in this matter was held as noticed. At the conclusion of the evidence, the Commission, at the request of NorthWestern, advised the parties that it would entertain post-hearing briefs from the parties and requested that the parties confer to agree upon a briefing schedule. On February 22, 2005, the parties's counsel held a conference call and agreed upon the briefing schedule as set forth herein.

The Commission has jurisdiction over this matter pursuant to SDCL 49-34A-42, 49-34A-56 and 49-34A-58.

It is therefore

ORDERED, that the briefing schedule in this matter is as follows:

- Petitioners' brief due on the later of March 11, 2005, or 10 days after Petitioners' receipt of the transcript.
- NorthWestern's and Staff's briefs due on the later of March 22, 2005, or 10

days after Petitioners' brief is served.

- Petitioners' reply brief due on the later of March 29, 2005, or 7 days after NorthWestern's and Staff's briefs are served. It is further

ORDERED, that in addition to service by mail the parties shall serve their briefs on or before the due dates set forth above by email; and it is further

ORDERED, that the briefs of the parties on NorthWestern's Motion for Summary Disposition will also be considered by the Commission as post-hearing briefs and the parties are not required to, but may, reiterate the material covered in their briefs on the Motion for Summary Disposition.

Dated at Pierre, South Dakota, this 24th day of February, 2005.

<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.</p> <p>By: _____</p> <p>Date: _____</p> <p style="text-align: center;">(OFFICIAL SEAL)</p>

BY ORDER OF THE COMMISSION:

GARY HANSON, Chairman

ROBERT K. SAHR, Commissioner

DUSTIN M. JOHNSON, Commissioner